

**PETITION FOR ANNEXATION OF TERRITORY TO THE  
HAYWARD GEOLOGIC HAZARD  
ABATEMENT DISTRICT PURSUANT TO  
DIVISION 17 (commencing with section 26500)  
OF THE PUBLIC RESOURCES CODE  
OF THE STATE OF CALIFORNIA**

To: The Clerk of the Hayward Geologic Hazard Abatement District ("GHAD")

La Vista Hayward, L.P., and Strategic Growth Partners, Inc., the undersigned owners of land within the boundaries of the territory proposed to be annexed to the GHAD, hereby requests that the Board of Directors of the GHAD ("GHAD Board") initiate proceedings to annex the territory described in Exhibit A ("Legal Description") and Exhibit B ("Plat to Accompany Legal Description"), attached hereto, to the GHAD pursuant to Article 3 (commencing with Public Resources Code § 26550) and Article 4 (commencing with Public Resources Code § 26561) of Chapter 2 of Division 17 of the Public Resources Code (§ 26500 *et seq.*). Said owner is the owner of all the territory proposed to be annexed.

(a) This petition is made pursuant to Division 17 of the Public Resources Code with particular reference to Article 3 (commencing with Section 26550) and Article 4 (commencing with Section 26561).


(b) Opposite the signatures of the petitioners is an indication of the lot, tract and map number or other legal description sufficient to identify the signature of the petitioner as that of an owner of land within the territory proposed to be annexed to the GHAD.


(c) Opposite the signatures of the petitioners is an indication of the date on which said petitioners' signature was affixed to this petition.

(d) The following documents are attached to this petition and are incorporated herein by this reference as if set forth in full in the petition:

1. A legal description of the boundaries of the territory proposed to be annexed to the GHAD (Exhibit "A");
2. A plat of the boundaries of the territory proposed to be annexed to the GHAD (Exhibit "B"); and
3. A Plan of Control for the Parcel Group 3 Development prepared by an Engineering Geologist certified pursuant to Section 7822 of the California Business and Professions Code, which describes in detail geologic hazards, their location and the areas affected thereby, and a plan for their prevention, mitigation, abatement, and control thereof (Exhibit C).

Exhibits: A - Legal Description  
B - Plat to Accompany Legal Description  
C - Plan of Control for the Parcel Group 3 Development

Landowner: La Vista Hayward, L.P.  
Signature:   
Print Name: CARTER ROOPE  
Title: MANAGER  
Date: 9.30.2025  
APN(s): 78C-626-19 (Parcel 3)

Landowner: Strategic Growth Partners, Inc.  
Signature:   
Print Name: CARTER ROOPE  
Title: MANAGER  
Date: 9.3.2025  
APN(s): 78C-626-18 (Parcel 2)

**EXHIBITS A and B**

Legal Description and Plat to Accompany Legal Description

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT**  
**PARCEL GROUP 3 – PARCEL MAP No. 11247**

All that real property, situate in the City of Hayward, County of Alameda, State of California, described as follows:

**Parcel 2:**

Being a portion of *Parcel 2* of “Parcel Map No. 11247”, recorded April 6, 2022, in Book 354 of Parcel Maps, at Page 79, Alameda County Records, further described as follows:

**Beginning** at the southwest corner of said *Parcel 2 (354 PM 79)*; thence along the westerly boundary line of said *Parcel 2 (354 PM 79)* North 11°33’57” West, 296.43 feet; thence North 15°11’20” West, 314.38 feet to the beginning of a non-tangent curve, concave to the west and having a radius of 44.00 feet, a radial line to the beginning of said curve bears North 85°42’26” East; thence leaving said westerly boundary line north 4.79 feet along said curve, through a central angle of 6°14’00” to the beginning of a compound curve, concave to the west and having a radius of 350.00 feet; thence 64.05 feet along said curve, through a central angle of 10°29’08” to a point on the westerly boundary line of said *Parcel 2 (354 PM 79)*; thence along said boundary line the following nineteen (19) courses:

1. North 15°11’20” West, 16.66 feet;
2. South 57°24’10” West, 2.10 feet;
3. North 23°39’08” West, 498.22 feet to the beginning of a non-tangent curve, concave to the south and having a radius of 109.74 feet, a radial line to the beginning of said curve bears North 20°17’51” West;
4. East and Southeast 113.69 feet along said curve, through a central angle of 59°21’41” to the beginning of a non-tangent curve, concave to the southwest and having a radius of 1666.21 feet, a radial line to the beginning of said curve bears North 59°24’38” East;
5. Southeast 298.63 feet along said curve, through a central angle of 10°16’08” to the beginning of a reverse curve, concave to the northeast and having a radius of 862.55 feet;
6. Southeast 429.43 feet along said curve, through a central angle of 28°31’31” to the beginning of a reverse curve, concave to the southwest and having a radius of 1063.72 feet;
7. Southeast 178.52 feet along said curve, through a central angle of 9°36’57”;
8. South 52°24’45” West, 100.60 feet;
9. South 37°28’08” East, 1.62 feet;
10. South 52°31’52” West, 31.50 feet;
11. South 37°28’08” East, 115.00 feet;
12. North 52°31’52” East, 18.00 feet;
13. South 37°28’08” East, 57.63 feet to the beginning of a curve, concave to the west and having a radius of 26.00 feet;

14. Southeast and South 30.33 feet along said curve, through a central angle of 66°50'40" to the beginning of a reverse curve, concave to the east and having a radius of 46.00 feet;
15. South 29.16 feet and said curve, through a central angle of 36°19'01" to the beginning of a reverse curve, concave to the west and having a radius of 26.50 feet;
16. South 27.51 feet along said curve, through a central angle of 59°28'21";
17. South 37°28'08" East, 13.50 feet;
18. South 52°31'52" West, 25.38 feet;
19. South 77°07'18" West, 230.47 feet to the **Point of Beginning** of this description.

Containing an area of 199,485 square feet (4.58 acres), more or less.

**Parcel 3:**

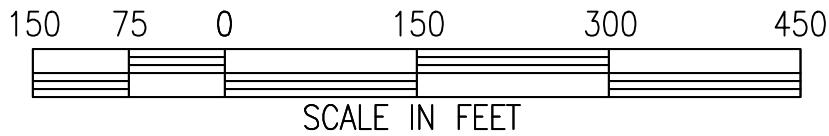
Being all of *Parcel 3* of "Parcel Map No. 11247", recorded April 6, 2022, in Book 354 of Parcel Maps, at Page 79, Alameda County Records, further described as follows:

**Beginning** at the northwest corner of said *Parcel 3 (354 PM 79)*; thence along the boundary line of said *Parcel 3 (354 PM 79)* the following twenty-three (23) courses:

1. North 77°07'18" East, 230.47 feet;
2. North 52°31'52" East, 25.38 feet;
3. North 37°28'08" West, 13.50 feet to the beginning of a non-tangent curve, concave to the west, having a radius of 26.50 feet, a radial line to the beginning of said curve bears North 37°28'08" West;
4. Northeast and North 27.51 feet along said curve, through a central angle of 59°28'21" to the beginning of a reverse curve, concave to the east, having a radius of 46.00 feet;
5. North and Northeast 29.16 feet along said curve, through a central angle of 36°19'01" to the beginning of a reverse curve, concave to the southwest, having a radius of 26.00 feet;
6. North and Northwest 30.33 feet along said curve, through a central angle of 66°50'40";
7. North 37°28'08" West, 57.63 feet;
8. South 52°31'52" West, 18.00 feet;
9. North 37°28'08" West, 115.00 feet;
10. North 52°31'52" East, 31.50 feet;
11. North 37°28'08" West, 1.62 feet;
12. North 52°24'45" East, 100.60 feet to the beginning of a non-tangent curve, concave to the southwest, having a radius of 1063.72 feet, a radial line to the beginning of said curve bears North 50°46'11" East;
13. Southeast 297.32 feet along said curve, through a central angle of 10°00'54" to the beginning of a reverse curve, concave to the northeast, having a radius of 214.30 feet;
14. Southeast 37.72 feet along said curve, through a central angle of 10°05'02";
15. South 01°08'10" West, 172.13 feet;
16. North 89°39'02" East, 348.86 feet to a point on the northerly right-of-way line of Tennyson Road, also being the beginning of a non-tangent curve, concave to the north, having a radius of 720.00 feet, a radial line to the beginning of said curve bears North 25°54'27" West;
17. West 198.93 feet along said curve, through a central angle of 15°49'48";

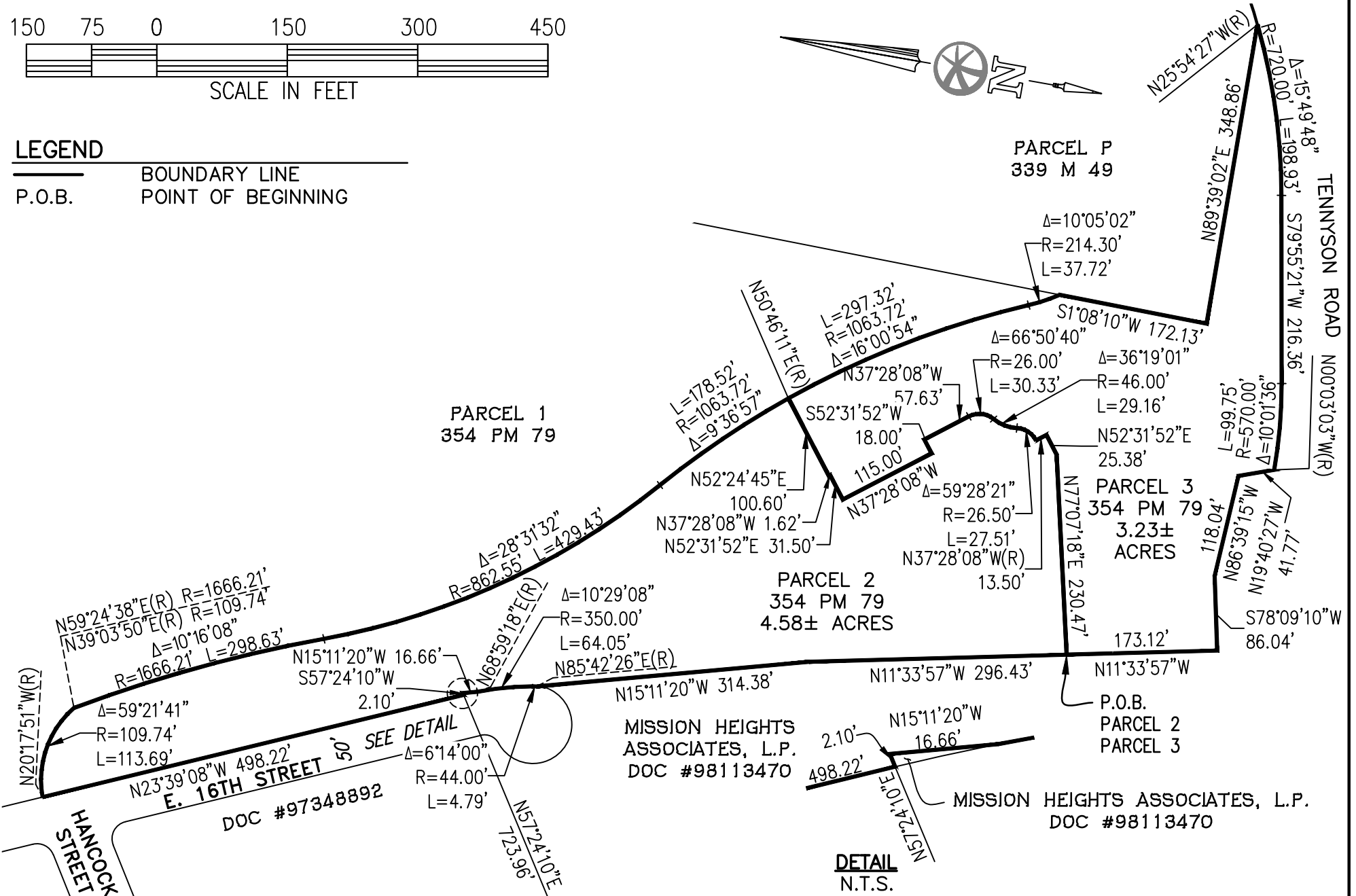
18. South  $79^{\circ}55'21''$  West, 216.36 feet to the beginning of a curve, concave to the north, having a radius of 570.00 feet;
19. West 99.75 feet along said curve, through a central angle of  $10^{\circ}01'36''$ ;
20. North  $19^{\circ}40'27''$  West, 41.77 feet;
21. North  $86^{\circ}39'15''$  West; 118.04 feet;
22. South  $78^{\circ}09'10''$  West, 86.04 feet;
23. Leaving said northerly right-of-way line and continuing along said boundary line of *Parcel 3 (354 PM 79)* North  $11^{\circ}33'57''$  West, 173.12 feet to the **Point of Beginning** of this description.

Containing an area of 140,846 square feet (3.23 acres), more or less.



**LEGEND**

- BOUNDARY LINE
- P.O.B. POINT OF BEGINNING



**EXHIBIT B**

DATE: 03/21/2025	SCALE: 1" = 150'
FILE NO.: 18133	SHEET 1 OF 1

**HAYWARD GEOLOGIC HAZARD  
ABATEMENT DISTRICT –  
PARCEL GROUP 3 P.M. No. 11247**

**EXHIBIT C**

Plan of Control for the Parcel Group 3 Development



**HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)**  
HAYWARD, CALIFORNIA

**PLAN OF CONTROL**  
**Parcel Group 3 Development**

SUBMITTED TO  
La Vista Hayward, L.P.  
22645 Grand Street  
Hayward, CA 94541

&

Strategic Growth Partners, Inc.  
39899 Balentine Drive, Suite 240  
Newark, CA 94560

PREPARED BY  
ENGEO Incorporated

October 2, 2025

PROJECT NO.  
15577.000.001



## TABLE OF CONTENTS

<b>1.0</b>	<b>AUTHORITY AND SCOPE .....</b>	<b>1</b>
1.1	PROPERTY IDENTIFICATION.....	1
<b>2.0</b>	<b>BACKGROUND .....</b>	<b>2</b>
2.1	PARCEL GROUP 3 DEVELOPMENT.....	2
2.2	SUMMARY OF PROPOSED GHAD RESPONSIBILITIES WITHIN ANNEXATION AREA.....	2
<b>3.0</b>	<b>SITE GEOLOGY .....</b>	<b>2</b>
3.1	GEOLOGIC SETTING.....	2
3.1.1	Artificial Fill (Qaf).....	3
3.1.2	Colluvium (Qc).....	3
3.1.3	Landslide Deposits (Qls).....	3
3.1.4	Sheared Deposits within Western Shear Zone of the Hayward fault (Qfs).....	3
3.1.5	Knoxville Formation - Sheared (JKks).....	3
3.2	GROUNDWATER.....	3
3.3	SEISMIC SOURCES.....	3
<b>4.0</b>	<b>GEOLOGIC HAZARDS.....</b>	<b>4</b>
4.1	SLOPE INSTABILITY.....	4
4.2	FAULT RUPTURE.....	5
4.3	SEISMICALLY INDUCED GROUND SHAKING.....	5
4.4	SOIL EXPANSION POTENTIAL.....	5
4.5	EXISTING UNDOCUMENTED FILL.....	6
<b>5.0</b>	<b>CRITERIA FOR GHAD RESPONSIBILITY.....</b>	<b>6</b>
5.1	ISOLATED OR REMOTE FEATURE REQUIRING MITIGATION.....	6
5.2	SINGLE PROPERTY.....	6
5.3	GEOLOGIC HAZARDS RESULTING FROM NEGLIGENCE OF PROPERTY OWNER.....	6
5.4	PROPERTY NOT ACCEPTED.....	7
5.5	GEOLOGIC HAZARD WHICH REQUIRES EXPENDITURE IN AMOUNT EXCEEDING THE VALUE OF THE THREATENED OR DAMAGED IMPROVEMENT.....	7
5.6	GHAD FUNDING OR REIMBURSEMENT FOR DAMAGED OR DESTROYED STRUCTURES OR SITE IMPROVEMENTS.....	7
5.7	NO REIMBURSEMENT OF EXPENSES INCURRED BY PROPERTY OWNERS.....	7
5.8	RECONSIDERATION AND APPEAL POLICY.....	8
<b>6.0</b>	<b>ACCEPTANCE.....</b>	<b>8</b>
6.1	ACTIVATION OF ASSESSMENT.....	8
6.2	RESPONSIBILITY FOR GHAD ACTIVITIES.....	8
6.3	PROCESS FOR TRANSFERRING RESPONSIBILITY FOR GHAD ACTIVITIES.....	9
<b>7.0</b>	<b>HAYWARD GHAD MONITORING, MAINTENANCE, AND REPAIR RESPONSIBILITIES .....</b>	<b>10</b>
7.1	GEOTECHNICAL TECHNIQUES FOR MITIGATION OF LANDSLIDE AND EROSION HAZARDS.....	10
<b>8.0</b>	<b>PRIORITY OF GHAD EXPENDITURES .....</b>	<b>11</b>

## TABLE OF CONTENTS (Continued)

<b>9.0</b>	<b>MAINTENANCE AND MONITORING SCHEDULE .....</b>	<b>11</b>
<b>10.0</b>	<b>OWNERSHIP AND MANAGEMENT.....</b>	<b>12</b>
<b>11.0</b>	<b>RIGHT-OF-ACCESS .....</b>	<b>14</b>
<b>12.0</b>	<b>GLOSSARY .....</b>	<b>15</b>

### SELECTED REFERENCES

- APPENDIX A:** Figure 1 – Long-Term Ownership and Maintenance  
Figure 2 – As-Built Geologic Map  
Figure 3 – As-Built Remedial Grading Plan
- APPENDIX B:** Exhibit A – Legal Description  
Exhibit B – Plat to Accompany Legal Description
- APPENDIX C:** Declaration of Disclosures, Right of Entry and Restrictive Covenants  
Regarding Hayward Geologic Hazard Abatement District
- APPENDIX D:** Sample Transfer Application Form

## 1.0 AUTHORITY AND SCOPE

As approved by Hayward City Council Resolution 21-193, Final Conditions of Approval Item No. 56 for the Parcel Group 3 Development, as shown on the GHAD Boundary Plat (Appendix B, Exhibit B), the Applicant agreed to annex into the existing Hayward Geologic Hazard Abatement District ("Hayward GHAD" or "GHAD") or petition to form a new GHAD. To satisfy this requirement, the current owners of Parcel Group 3 have elected to petition the Hayward GHAD Board of Directors for annexation into the existing Hayward GHAD.

State law allows GHADs to be formed to undertake emergency actions necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard (*Pub. Res. Code § 26500*, "GHAD Law"). GHAD Law gives local agencies the authority to form districts that can speedily address "an actual or threatened landslide, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth." (*Pub. Res. Code § 26507*). Consistent with GHAD Law, on March 1, 2016, the Hayward City Council adopted Resolution No. 16-030 approving and forming the Hayward GHAD and thereby putting into place a mechanism to respond to emergencies in preventing and/or responding to geologic hazards. The Hayward City Council members serve as the Board of Directors of the Hayward GHAD. The Reserve (formerly known as La Vista), The Hideaway (formerly known as the Ersted development), and Hayward SoMi developments are also included within the Hayward GHAD; however, each development has its own Plan of Control and Engineer's Report.

GHAD "improvements" (as defined in GHAD Law) and all GHAD activities undertaken in furtherance of, or in connection therewith, are deemed to be specific actions necessary to prevent or mitigate an emergency within Public Resources Code Section 21080(b)(4) (see *Pub. Res. Code Sections 26601 and 26505*). Consistent therewith, all GHAD Activities (as defined in Section 7 below) are exempt from review under the California Environmental Quality Act and are not subject to local permitting requirements.

Section 26509 of the Public Resources Code requires a Plan of Control, prepared by a State-Certified Engineering Geologist, as a prerequisite to formation of a GHAD or annexation into an existing GHAD. Pursuant to Section 26509, this Plan of Control was prepared by an Engineering Geologist certified pursuant to Section 7822 of the Business and Professions Code and describes, in detail, the geologic hazards, their location, and the area affected by them. It also provides a plan for the prevention, mitigation, abatement, or control thereof.

As used in this Plan of Control, and as provided in Section 26507, "geologic hazard" means an actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth.

### 1.1 PROPERTY IDENTIFICATION

The land proposed for annexation into the Hayward GHAD ("Annexation Area") is depicted on the GHAD Boundary Plat (Appendix B, Exhibit B).

The site is located east of Mission Boulevard and north of Valle Vista Avenue (a renamed section of Tennyson Road east of Mission Boulevard). It includes Alameda County Assessor's Parcel Numbers (APNs) 78C-626-18, and 78C-626-19

The legal description of the Annexation Area is included in Appendix B, Exhibit A.

## **2.0 BACKGROUND**

### **2.1 PARCEL GROUP 3 DEVELOPMENT**

The Annexation Area is part of the La Vista Residential Community and Charter School project located in Hayward, California. The project involves the construction of two 5-story wood-framed over concrete podium structures for the residential portion, which is comprised of 176 units, and a 1- to 2-story structure for the charter school. The project also includes associated improvements such as site retaining walls, underground utilities, roadways, flatwork, bioretention basins, and landscaping.

As described in this Plan of Control, the Hayward GHAD will have responsibilities throughout the entire Annexation Area.

### **2.2 SUMMARY OF PROPOSED GHAD RESPONSIBILITIES WITHIN ANNEXATION AREA**

The GHAD is expected to assume maintenance responsibilities for all properties within the Annexation Area as discussed in Section 7.0 and Table 10.0.

The GHAD is charged with responsibilities that relate to the prevention, mitigation, abatement, or control of geologic hazards, which includes the maintenance of drainage facilities and associated improvements. This will include the monitoring and maintenance of drainage facilities that, if subject to improper care, could result in decreased slope stability, a primary concern of the GHAD. The drainage facilities include ditches and storm drain improvements.

The GHAD will mitigate or abate landslide or erosion hazards that could directly affect improved, developed, and accepted properties (as defined in Section 6.0) within the Annexation Area in accordance with Section 5.0. The GHAD will also perform maintenance of water control and conveyance facilities and assume other peripherally related responsibilities.

## **3.0 SITE GEOLOGY**

### **3.1 GEOLOGIC SETTING**

As described in the Geotechnical Exploration Report for Parcel Group 3 (Reference 4), the Annexation Area is located in the Coast Ranges geomorphic province of California. The Coast Ranges are characterized by a series of northwest-trending valleys and mountain ranges. The bedrock in this region has been folded and faulted in a tectonic setting that is experiencing translational and compressional deformations of the earth's crust. The Annexation Area is predominantly underlain by the Cretaceous to late Jurassic Knoxville formation of the Great Valley Sequence.

The geologic unit descriptions below are based on information in the 2021 Geotechnical Exploration Report prepared for Parcel Group 3 (Reference 4).

### 3.1.1 Artificial Fill (Qaf)

Artificial fill was encountered within the upper 3½ feet of several test pits and borings. The fill material consisted of on-site derived lean and fat clay, as well as clayey sand. The mapped artificial fill area is likely up to 5 to 10 feet thick and anticipated to consist of on-site derived materials.

### 3.1.2 Colluvium (Qc)

Colluvial deposits were mapped in low-lying drainages and are anticipated to consist of transported surficial soil derived from the site bedrock. Colluvial deposits were encountered to depths of 16 feet.

### 3.1.3 Landslide Deposits (Qls)

Landslide deposits were identified based on findings from the 2016 and 2020 explorations. These deposits were encountered in several test pits and are estimated to be 20 to 40 feet thick, showing features indicative of relatively recent movement, including well-developed striated shearing and distortion.

### 3.1.4 Sheared Deposits within Western Shear Zone of the Hayward fault (Qfs)

Sheared deposits consists of faulted slivers of alluvium, colluvium, Knoxville shale and sandstone, landslide debris, and serpentinitic gouge.

### 3.1.5 Knoxville Formation - Sheared (JKks)

The Knoxville formation observed on the site consists mostly of yellowish-brown silt and clay shale with sandstone interbeds. The bedrock underlying the development site includes interbedded sandstone, shale, and conglomerate, which are generally weaker and more sheared from tectonic activity.

## 3.2 GROUNDWATER

Groundwater was encountered in previous explorations at depths ranging from 33 to 36 feet below the surface (Reference 4). Localized seeps were also observed, particularly in the northern portion of the site. The depth to historical high groundwater in the vicinity is approximately 20 feet. It should be noted that fluctuations in groundwater levels occur seasonally and over a period of years because of variations in precipitation, temperature, irrigation, and other factors.

## 3.3 SEISMIC SOURCES

An earthquake of moderate to high magnitude generated within the San Francisco Bay Region, similar to those that have occurred in the past, could cause considerable ground shaking at the Annexation Area. The Hayward Fault (approximately 0.2 mile to the east) is considered capable of generating an earthquake with a maximum moment magnitude of 7.07. Another seismic source near the Annexation Area is the Calaveras Fault (approximately 7.9 miles to the east) and is considered capable of generating an earthquake with a maximum moment magnitude of 7.28 (Reference 4). The Uniform California Earthquake Rupture Forecast (UCERF 3) (Field et al., 2015) estimates the 30-year probability (as of 2014) for a magnitude 6.7 or greater earthquake in

the San Francisco region at approximately 72 percent, considering the known active seismic sources in the region.

## 4.0 GEOLOGIC HAZARDS

The following geologic hazards were identified for the Annexation Area in the referenced Geotechnical Report (Reference 4) and are expected to remain to some extent after site grading has been completed.

- Slope instability
- Fault rupture
- Seismically induced ground shaking
- Soil expansion potential
- Existing undocumented fill

### 4.1 SLOPE INSTABILITY

Earth stability is the GHAD's primary geotechnical concern within the Annexation Area. This is not unique to this Annexation Area but is of importance for hillside projects in the San Francisco Bay Area. This section describes several types of slope instability that are within the GHAD's responsibility, subject to the provisions of Sections 6.0 and 7.0.

Landslides are a common geologic phenomenon and are part of the process of mass wasting. Weathered or fractured bedrock and soil are transported downslope over geologic time as a result of gravitational and hydrostatic forces. A landslide is a deposit of soil and/or bedrock moving downward from its original position under the influence of gravity. Landslides include a variety of morphologies and are further defined by type of materials, wetness, and mode of movement. They can consist of mass movements of earth materials that are primarily intact and occur along discrete shear surfaces. These surfaces (shear or slip planes) can be rotational (conchoidal or concave), such as for earth slumps, or planar, as for translational earth slide or bedrock block slides. Most landslides are truly "complex landslides," sliding, falling, and flowing with more than one type of movement and/or material.

Falls are an abrupt free-fall of earth materials off cliffs, steep cuts, or steep stream banks, while earthflows are mass movements of earth materials in which the type of movement is one of flowing. When composed of soil finer than gravel size, the flowing material is commonly called a mudflow. A debris flow/debris avalanche is composed of natural earth materials, artificial fill, and/or organic debris, which flow downslope with speed. Most of the material is transported away from the area of initial ground failure.

Slope failures are also often triggered by increased pore water pressure due to the infiltration of rainwater. The resulting decrease of shear resistance (internal resistance to deformation by shearing) can cause the slope to move. The level of groundwater table varies with the amount of rainfall for the area. If rainfall is higher than average during the winter season, the water table will become higher than average on a hillslope and groundwater pressures may become sufficiently high to initiate slope movement.

Landslides located within more remote areas are natural landforms that do not require mitigation except where they affect manmade improvements. Debris catchment areas are the principal mitigation method used within the GHAD for areas between potentially unstable slopes and improvements. The debris catchment structures include debris benches, debris berms, and runout areas. GHAD maintenance of the areas will be critical to maintain adequate protection for the Site Improvements (as defined in Section 11.0). Maintenance and monitoring of these areas is described in Section 9.0. Potential mitigation and repair measures for areas within the GHAD near development are discussed in Section 7.0.

Soil creep is the slow, often imperceptible, deformation of slope materials under low stress levels, which normally affects the shallow portion of the slopes, but can be deep seated where a weak zone of soil or bedrock exists. It results from gravitational and seepage forces and may be indicative of conditions favorable for landsliding. Creep can be caused by wetting and drying of clay, by solution and crystallization of salts, by the growth of roots, by burrowing animals and by downslope movement of saturated ground. Colluvium refers to the mantle of loose soil and weathered bedrock debris that progresses down hillsides by creep.

The GHAD will also monitor erosion and sedimentation threatening or affecting developed lots or improvements. Erosion is defined as the process by which earth materials are loosened and removed by running water on the ground surface or in the subsurface. Sedimentation is the depositing or settling of soil or rock particles from a state of suspension in a liquid.

Hilly terrain Open Space, either in a natural condition or particularly on excavated slopes, can be subject to erosion. Landslide deposits, which are sometimes in a loosened condition, are particularly prone to erosion. Earth-flow-, debris-flow- and mud-flow-type landslides typically have an area of deposition or accumulation (sedimentation area) at their base. Graded slopes in the GHAD, particularly those in excess of 20 feet in vertical height or those not sufficiently vegetated, can be subject to erosion, and therefore, a source of transported sediment.

## **4.2 FAULT RUPTURE**

Active fault traces have been identified crossing the property, and the site is located within an Earthquake Fault Special Study Zone. Ground rupture is possible within the mapped active fault zone, although the active fault traces encountered at the site are generally considered secondary traves branching from the main trace of the Hayward fault and extend through a wide shear zone. Structures within the development are a minimum of 50 feet from any active fault trace identified at the site.

## **4.3 SEISMICALLY INDUCED GROUND SHAKING**

As identified in the geotechnical exploration reports, an earthquake of moderate to high magnitude generated within the San Francisco Bay Region could cause considerable ground shaking at the Parcel Group 3 Development, similar to that which has occurred in the past. To mitigate the shaking effects, all structures should be designed using sound engineering judgment and the latest building code requirements, as a minimum.

## **4.4 SOIL EXPANSION POTENTIAL**

Potentially expansive clay and sandy clay were observed near the surface within the Annexation Area. Laboratory testing indicates high shrink/swell potential with variations in moisture content. This potentially expansive soil could impact the planned site development. Expansive soil shrinks

and swells as a result of moisture changes. This can cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. The potential for expansive soil has been identified in the geotechnical reports for the Annexation Area. Recommended mitigation may include one or the following methods.

- Increase depth of footings
- Pre-expand clay
- Add a layer of non-expansive fill
- Keep soil moist until covered
- Manage surface water runoff and irrigation water

#### **4.5 EXISTING UNDOCUMENTED FILL**

As identified in the referenced geotechnical investigation reports, portions of the site are underlain by non-engineered fill. This can cause excessive settlement under new fill or buildings loads. As recommended, undocumented fill materials in the northern portion of the site and within the development area are proposed to be removed during corrective grading (Reference 4).

### **5.0 CRITERIA FOR GHAD RESPONSIBILITY**

In establishing the assessment levels and budgets for the Annexation Area, it is important to clearly define the limits of the GHAD's responsibilities. The GHAD is expected to accept responsibility for property as described in Section 6.0 of this Plan of Control; however, the intent of this Plan of Control is not to extend the GHAD's responsibilities to every potential situation of instability; rather, the following are exclusions from GHAD responsibility.

#### **5.1 ISOLATED OR REMOTE FEATURE REQUIRING MITIGATION**

The GHAD shall not have responsibility to monitor, abate, mitigate, or control slope instability that does not involve damage to or pose a significant threat to damage Site Improvements. As used herein, the term "Site Improvements" means buildings, public and private roads, sidewalks, utilities, improved trails, swimming pools, tennis courts, gazebos, cabanas, geologic stabilization features, or similar improvements.

#### **5.2 SINGLE PROPERTY**

The GHAD will not prevent, mitigate, abate, or control geologic hazards which are limited in area to a single parcel of property unless the geologic hazard has damaged, or poses a significant threat of damage to Site Improvements located on other property within the GHAD Annexation Area.

#### **5.3 GEOLOGIC HAZARDS RESULTING FROM NEGLIGENCE OF PROPERTY OWNER**

The GHAD may, in the GHAD Manager's sole discretion, decline to prevent, mitigate, abate or control geologic hazards which occurred or resulted from any negligence of the homeowner and/or the homeowner's contractors, agents or employees in developing, investigating, grading, constructing, maintaining or performing or not performing any post-development work on the subject property as long as the geologic hazard is limited to a single lot, pursuant to the

single-property exclusion noted above. If the GHAD bears expense as the result of negligence described in this section, the GHAD may pursue reimbursement from the negligent parties.

#### **5.4 PROPERTY NOT ACCEPTED**

The GHAD shall not have responsibility to repair damage, which is situated on a parcel of real property, which the GHAD has not accepted in accordance with Section 6.0 below. The GHAD, however, may monitor, abate, mitigate or control geologic or hydrogeologic hazards on a parcel of real property which the GHAD has not accepted in accordance with Section 6.0 and is not excluded from GHAD responsibility by Sections 5.1, 5.2, and 5.3, provided; however, that GHAD responsibility on such parcel shall be limited to the extent necessary to address damage to, or a significant threat of damage to Site Improvements which are within a parcel of real property which the GHAD has accepted in accordance with Section 6.0. Should the GHAD be required to respond to a geologic hazard outside the Annexation Area, the GHAD may take such actions as may be appropriate to recover costs incurred as a result of preventing, mitigating, abating, or controlling such geologic hazard from the responsible party, if any.

#### **5.5 GEOLOGIC HAZARD WHICH REQUIRES EXPENDITURE IN AMOUNT EXCEEDING THE VALUE OF THE THREATENED OR DAMAGED IMPROVEMENT**

The GHAD may elect not to prevent, mitigate, abate, or control a geologic hazard where, in the GHAD Manager's sole discretion, the anticipated expenditure required to be funded by the GHAD to prevent, mitigate, abate, or control the geologic hazard will exceed the value of the structure(s) and site improvement(s) threatened with damage or loss.

#### **5.6 GHAD FUNDING OR REIMBURSEMENT FOR DAMAGED OR DESTROYED STRUCTURES OR SITE IMPROVEMENTS**

In the event a residence or any other structure, Site Improvement, or landscaping is damaged or destroyed due to, or as a result of, a geologic hazard, the GHAD may fund or reimburse the property owner for the expenses necessary to repair or replace the damaged or destroyed structure, Site Improvement, or landscaping. Unless authorized by the Board of Directors, the dollar amount of the GHAD funding or reimbursement may not exceed ten percent (10%) of the costs incurred by the GHAD in preventing, mitigating, abating, or controlling the geologic hazard responsible for the damage<sup>1</sup>. In the event the geologic hazard damaged or destroyed a structure, site improvement, or landscaping which violated any provisions of the City Building Code or City Ordinance Code at the time of its installation or improvement, the GHAD may decline to provide any funding, or reimbursement to the property owner, for repair or replacement of the damaged structure, Site Improvement, or landscaping.

#### **5.7 NO REIMBURSEMENT OF EXPENSES INCURRED BY PROPERTY OWNERS**

The GHAD will not be obligated to reimburse a property owner for expenses incurred for the prevention, mitigation, abatement, or control of a geologic hazard absent a written agreement between the property owner and the GHAD to that effect, which agreement has been executed

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<sup>1</sup> For example, if a landslide causes \$10,000 in structural damage to each one of four neighboring houses for a total of \$40,000 in structural damage and it costs the GHAD \$100,000 to design and install a new retaining wall to abate the slide, the GHAD may only reimburse each property owner \$2,500 of their \$10,000 in structural damage.

prior to the property owner incurring said expenses, and following an investigation conducted by the GHAD.

## **5.8 RECONSIDERATION AND APPEAL POLICY**

If a property owner disagrees with the decision of the GHAD Manager ("GHAD Manager Decision") regarding a request for funding or reimbursement as authorized in Sections 5.6 and 5.7, the property owner may request the GHAD Manager reconsider the decision. The property owner shall, within fifteen (15) days from the date of a written GHAD Manager Decision, file with the GHAD Manager the grounds for reconsideration, and the requested relief, including the property owner's special interest and injury. Within fifteen (15) days of receipt of the property owner's written request for reconsideration, the GHAD Manager shall issue a written decision on the request based on the evidence presented ("GHAD Manager Reconsideration Decision"). The property owner may appeal the GHAD Manager Reconsideration Decision to the GHAD Board of Directors. This appeal must be filed with the GHAD Manager within fifteen (15) days from the date of the GHAD Manager Reconsideration Decision and must include the payment of an appeal fee as noted on the Appeal Form. The appeal must include the reasons for the appeal and the property owner's requested relief. The GHAD Board will make the final decision on the appeal. The GHAD Manager will proceed based on the decision of the GHAD Board of Directors and is considered the final decision of the GHAD.

All other determinations of the GHAD Manager not related to Sections 5.6 and 5.7, (i.e. a determination that the soil movement alleged to cause damage is not covered by the POC, requiring access agreements, or requiring other agreements or documents from the property owner to perform GHAD duties) are final and not subject to appeal to the GHAD Board of Directors unless the GHAD Manager, in his or her sole discretion, determines that a final decision should be made by the Board of Directors due to the complexity or nature of the subject of the determination. In this event, the GHAD Manager shall, as soon as feasible, inform the property owner of the opportunity to appeal the determination to the Board of Directors. This appeal must be filed by the property owner in accordance with the provisions for filing an appeal as explained above.

## **6.0 ACCEPTANCE**

### **6.1 ACTIVATION OF ASSESSMENT**

If approved, an annual assessment will be levied on all residential parcels and habitable non-residential space within the Annexation Area as shown in Appendix B, Exhibit B, which will generate funding for the GHAD Activities. The assessment shall be levied by the GHAD on each individual parcel beginning the first fiscal year following issuance of a certificate of occupancy for units within the Annexation Area.

### **6.2 RESPONSIBILITY FOR GHAD ACTIVITIES**

La Vista Hayward, L.P. and Strategic Growth Partners, Inc. ("Developer") currently owns all the parcels shown on the Vesting Tentative Subdivision Map and shall have the responsibility to perform all the activities of the GHAD on the property within Annexation Area. Such responsibility shall be eligible for transfer to the GHAD at 9:00 a.m. on the day exactly 3 years after the first certificate of occupancy is issued by the City of Hayward ("Transfer Eligibility Date"). The period between the levying of the GHAD assessment and Transfer Eligibility Date will allow the GHAD to accumulate reserve funds without incurring significant expenses.

### 6.3 PROCESS FOR TRANSFERRING RESPONSIBILITY FOR GHAD ACTIVITIES

After the Transfer Eligibility Date for the Annexation Area, the process for transferring responsibility for performing GHAD Activities (defined in Section 7.0 below) shall be as follows.

1. Up to one (1) year in advance of the Transfer Eligibility Date or in any subsequent year, at its discretion, the Developer may apply to the GHAD ("Transfer Application") to transfer the responsibility for performing GHAD Activities for such Parcel(s) to the GHAD.
2. Within 30 days of receiving such Transfer Application, the GHAD Manager shall verify that all the facilities, and related documents and plans, for which the GHAD is being asked to maintain have been approved, constructed, and maintained according to the City of Hayward approved plans and specifications for the individual improvements, and that such improvements are operational and in good working order.
3. Within 15 days of inspection by the GHAD of said facilities, the GHAD will send the Developer a list ("Punch list") of all of the items that need to be constructed, repaired, or otherwise modified in order to comply with the city-approved plans and specifications.
4. The Developer shall notify the GHAD Manager when it has completed the items identified on the Punch list. Within 30 days of receipt of such notice, the GHAD Manager shall verify that all Punch list items have been completed and notify the Developer that the GHAD will accept responsibility for performing all future GHAD activities on such Parcel(s).
5. The GHAD Manager shall confirm that the reserve requirement defined in the Engineer's Report approved by the GHAD Board has been met. The Engineer's Report is the document that establishes the individual property owners' GHAD assessment limit based on the projected expenses (budget) of the GHAD.
6. Prior to the GHAD accepting any responsibility for GHAD Activities, the Developer shall record a Declaration of Restrictive Covenants, Right of Entry and Disclosures Regarding Geologic Hazard Abatement District ("Declaration") as approved by the GHAD Manager and GHAD Attorney and as discussed in Section 12.0.
7. Any monies owed to the GHAD by the Developer have been paid.

As part of the transfer, the Developer of the Annexation Area to be transferred will provide the GHAD, for its use, copies of the applicable geotechnical exploration reports, as-built grading plans, as-built corrective grading plans, as-built improvement plans, as-built subdrain plans, or other pertinent documents as requested by the GHAD.

The GHAD is not responsible for maintaining parcels within the Annexation Area or any GHAD Activities as defined in Section 7.0 until it accepts such responsibilities pursuant to this section. The Developer will remain responsible for all GHAD activities until the GHAD accepts responsibility pursuant to this section.

## 7.0 HAYWARD GHAD MONITORING, MAINTENANCE, AND REPAIR RESPONSIBILITIES

Several entities will have ownership and maintenance duties of common space within the Annexation Area. The GHAD will assume monitoring and maintenance responsibilities for the site facilities and activities (“GHAD Activities”) noted below and as described in Table 10.0-1.

- **Surface Drainage Improvements:** The GHAD will maintain surface drainage improvements, including drainage ditches, to manage stormwater runoff and prevent flooding or erosion.
- **Functional Aspects of Water Quality Flow Control Basins and Stormwater Facilities:** The GHAD will handle functional maintenance, repair, and replacement of water quality flow control basins and stormwater facilities, including retention detention ponds, to manage runoff and minimize flood risks.
- **Storm Drainage System:** The GHAD will maintain the storm drainage system to support proper function and reduce geologic hazard risks.
- **Retaining Walls:** The GHAD will maintain retaining walls and drain outlets to preserve structural integrity.
- **Geotechnical Monitoring Instruments (if any):** The GHAD will monitor and maintain geotechnical instruments used to track soil movement and other geotechnical factors.
- **Keyway Subdrains and Outlets:** The GHAD will maintain keyway subdrains and outlets to prevent blockages and sustain proper slope drainage.
- **Geologic Hazard Abatement:** The GHAD will monitor and mitigate geologic hazards, including slope stability and erosion control.

### 7.1 GEOTECHNICAL TECHNIQUES FOR MITIGATION OF LANDSLIDE AND EROSION HAZARDS

The techniques that may be employed by the GHAD to prevent, mitigate, abate, or control geologic hazards include, but are not limited to, the following.

- Removal of the unstable earth mass.
- Stabilization (either partial or total) of the landslide by removal and replacement with compacted, drained fill.
- Construction of structures to retain or divert landslide material or sediment.
- Construction of erosion control devices such as gabions, riprap, geotextiles, or lined ditches.
- Placement of drained engineered buttress fill.
- Placement of subsurface drainage devices (e.g., underdrains or horizontal drilled drains).
- Slope correction (e.g., gradient change, biotechnical stabilization, slope trimming, or contouring).
- Construction of additional surface ditches and/or detention basins, silt fences, sediment traps, or backfill or erosion channels.

Potential landslide and erosion hazards can often best be mitigated by controlling soil saturation and water runoff and by maintaining the surface and subsurface drainage system.

## 8.0 PRIORITY OF GHAD EXPENDITURES

Emergency response and scheduled repair expenditures by the GHAD are to be prioritized by the GHAD Manager, utilizing his or her discretion, based upon available funds and the approved operating budget. When available funds are not sufficient to undertake all of the identified remedial and preventive stabilization measures, the expenditures are to be prioritized as follows in descending order of priority.

- (A) Prevention, mitigation, abatement, or control of geologic hazards that have either damaged or pose a significant threat of damage to residences, critical underground utilities, or paved streets.
- (B) Prevention, mitigation, abatement, or control of geologic hazards which have either damaged or pose a significant threat of damage to ancillary structures, including but not limited to water quality facilities, pools, cabanas, or restroom buildings.
- (C) Prevention, mitigation, abatement, or control of geologic hazards, which have either damaged or pose a significant threat of damage to Open Space amenities.
- (D) Prevention, mitigation, abatement, or control of geologic hazards which have either damaged or pose a significant threat of damage limited to loss of landscaping or other similar non-essential amenities.
- (E) Prevention, mitigation, abatement, or control of geologic hazards existing entirely on Open-Space property and which have neither damaged nor pose a significant threat of damage to any Site Improvements.

In performing its duties as described above, the GHAD may seek funding or reimbursements from public and private entities including, but not limited to, FEMA, City and County agencies, insurance companies, etc.

## 9.0 MAINTENANCE AND MONITORING SCHEDULE

Geologic features and GHAD-maintained improvements defined in Section 7.0 shall be inspected by GHAD staff or GHAD-assigned consultants as presented below. The site inspections shall be undertaken at appropriate intervals as determined by the GHAD Manager using supporting documents prepared for the Annexation Area and the Site Improvements. The GHAD budget should provide for three or more inspections in years of heavy rainfall. Generally, the inspections should take place in October, prior to the first significant rainfall; mid-winter as necessary during heavy rainfall years; and in early April at the end of the rainy season. The frequency of the inspections should increase, depending upon the intensity and recurrence of rainfall.

The Developer shall provide to the GHAD copies of geologic or geotechnical exploration reports related to site development and the GHAD shall retain these reports in the records of the GHAD. In addition, copies of any earthwork-related testing and observation reports that will be finalized at the completion of grading, when as-built drawings are available, shall be provided to the GHAD by the Developer and maintained as part of the GHAD records.

Following are guidelines for a monitoring plan. The actual timing, scope, frequency and other details regarding such maintenance, inspection, and similar activities shall be at the discretion of the GHAD Manager.

- A State-licensed Professional Engineer and/or Professional Geologist should carry out a geologic reconnaissance of the slopes for indications of erosion or slope failures.
- A State-licensed Professional Engineer and/or Professional Geologist should carry out an inspection of surface ditches. Repairs and maintenance, as needed, should be undertaken including removal of excess silt or sediment in ditches and patching or replacement of cracked or broken ditches, prior to the beginning of the next rainy season.
- Subsurface drain outlets and horizontal drilled drain outlets, if any, should be checked. Water flowing from these outlets should be measured and recorded during each inspection.
- Piezometers to measure groundwater levels, or instruments such as inclinometers or tiltmeters measuring potential slope instability should be monitored as recommended, if installed.
- Settlement monitoring devices, if any, should be measured periodically and tracked. In the event of anomalous readings or excessive settlement, the monitoring frequency should be increased.
- Water quality facilities shall be monitored and well maintained. The GHAD will maintain the bioretention basins in accordance with an approved Operation and Maintenance Plan if developed.
- Storm drain inlets, outfalls, or trash racks, if used, must be kept free of debris and spillways maintained. Additionally, water detention facilities and water quality facilities should be inspected and maintained. It is anticipated that initially, at least once every 2 years, cleanup of vegetation and removal of silt would be in order.
- Developer-constructed retaining walls identified on Figure 1 should be inspected for evidence of distress, such as tilting and/or structural failure. Repairs and maintenance would be undertaken only in the event that the structural integrity of the wall has been compromised or if the wall distress poses a threat to the integrity of adjacent structures.
- An annual inspection shall be made by a State-licensed Professional Engineer and/or Certified Engineering Geologist to assess the effectiveness of the preventive maintenance program and to make recommendations as to which landslide or erosion measures should be undertaken in the next fiscal year. Any appropriate site-specific study of landslide or erosion conditions shall be determined at that time. Consultants, if necessary, will be retained to undertake the needed studies. An annual inspection report to the GHAD shall be prepared by the Professional Engineer and/or Certified Engineering Geologist.

## 10.0 OWNERSHIP AND MANAGEMENT

Ownership, funding sources and maintenance responsibilities shall be as shown on the following table. Parcel designations are derived from the GHAD Boundary Plat in Appendix B, Exhibit B.

**TABLE 10.0: PARCEL GROUP 3 DEVELOPMENT  
Long-Term Ownership and Maintenance Matrix**

FACILITY/FUNCTION	MAINTENANCE ENTITY	MAINTENANCE FUNDING	MINIMUM TIMEFRAME FOR TRANSFERRING PLAN OF CONTROL RESPONSIBILITIES FROM DEVELOPER TO THE GHAD	OWNERSHIP
<b>1. Pre-Transfer Period</b>				
a. Multi-Family Residential Buildings A and B (176 Units, 168,289 sf total)		Privately Owned and Maintained		
b. Elementary School (35,460 sf)		Privately Owned and Maintained		
c. Childcare Center (10,944 sf)		Privately Owned and Maintained		
d. Surface Drainage Improvements	Developer	Private	3 Years	Developer
e. Water Quality/Flow Control Basins 1-5 (8,286 sf)				
i. Ornamental Landscape Maintenance and Replacement	Others	Private	N/A	Private
ii. Functional Maintenance, Repair, and Replacement	Developer	Developer	3 Years	Private
f. Storm Water Facilities				
i. Ornamental Landscape Maintenance and Replacement	Others	Private	N/A	Private
ii. Functional Maintenance, Repair, and Replacement	Geologic Hazard Abatement District (GHAD)	Developer	3 Years	Private
g. Storm Drain System	Developer	Developer	3 Years	Developer
h. Retaining Walls	Developer	Developer	3 Years	Developer
i. Geotechnical Monitoring Instruments	Developer	Developer	3 Years	Developer
j. Keyway Subdrains and Outlets	Developer	Developer	3 Years	Developer
k. Geologic Hazard Abatement (slope stability, erosion, etc.)	Developer	Developer	3 Years	Developer
<b>2. Post-Transfer Period</b>				
a. Multi-Family Residential Buildings A and B (176 Units, 168,289 sf total)		Privately Owned and Maintained		
b. Elementary School (17,728 sf)		Privately Owned and Maintained		
c. Childcare Center (10,944 sf)		Privately Owned and Maintained		
d. Surface Drainage Improvements	Geologic Hazard Abatement District (GHAD)	GHAD Assessment	Perpetual	Private
e. Water Quality/Flow Control Basins 1-5 (8,286 sf)				

FACILITY/FUNCTION	MAINTENANCE ENTITY	MAINTENANCE FUNDING	MINIMUM TIMEFRAME FOR TRANSFERRING PLAN OF CONTROL RESPONSIBILITIES FROM DEVELOPER TO THE GHAD	OWNERSHIP
i. Ornamental Landscape Maintenance and Replacement	Others	Private	N/A	Private
ii. Functional Maintenance, Repair, and Replacement	GHAD	GHAD Assessment	Perpetual	Private
f. Storm Water Facilities				
i. Ornamental Landscape Maintenance and Replacement	Others	Private	N/A	Private
ii. Functional Maintenance, Repair, and Replacement	GHAD	GHAD Assessment	Perpetual	Private
g. Storm Drainage System	GHAD	GHAD Assessment	Perpetual	Private
h. Retaining Walls (Identified on Figure 1)	GHAD	GHAD Assessment	Perpetual	Private
i. Geotechnical Monitoring Instruments	GHAD	GHAD Assessment	Perpetual	Private
j. Keyway Subdrains and Outlets	GHAD	GHAD Assessment	Perpetual	Private
k. Geologic Hazard Abatement (slope stability, erosion, etc.)	GHAD	GHAD Assessment	Perpetual	Private

## 11.0 RIGHT-OF-ACCESS

The GHAD Board of Directors, officers, employees, consultants, contractors, agents, and representatives shall have the right to enter upon all lands within the Annexation Area as shown in Appendix C for the purpose of performing the GHAD Activities defined in this Plan of Control. Such GHAD Activities include, but are not limited to the inspection, maintenance and monitoring of those improvements listed in Section 7.0. Should the GHAD need to access private residential lots to fulfill its duties under the Plan of Control, the GHAD shall provide the affected landowner and/or resident with 72 hours advanced notice unless, in the reasonable judgment of the GHAD, an emergency situation exists which makes immediate access necessary to protect the public health and safety, in which case no advanced notice is required, but the GHAD shall inform the landowner and/or resident as soon as reasonably possible.

The foregoing right-of-entry provision shall be recorded by Developer in the chain of title for all Annexation Area residential parcels and common area lots, and it shall be included in all Covenants, Conditions and Restrictions (CC&Rs) and homebuyer disclosure statements prepared for parcels within the GHAD Annexation Area. This recordation is a requirement of the annexation process.

## 12.0 GLOSSARY

Accepted Parcel – An assessor’s parcel within the Annexation Area that has been accepted for the transfer of GHAD responsibilities as provided in Section 6.3 of this Plan of Control.

Annexation Area – The land to be annexed into the Hayward GHAD as shown in the GHAD Boundary Plat (Appendix B, Exhibit B) in this Plan of Control.

GHAD Activities – Responsibilities that the GHAD will assume monitoring and maintenance responsibilities noted in Section 7.0 and described in Table 10.0 in this Plan of Control.

GHAD Board of Directors – The members of the Hayward City Council.

Engineer’s Report – The document that establishes the individual property owners’ GHAD assessment limit based on the projected expenses (budget) of the GHAD.

Geologic Hazard – An actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth (Public Resources Code § 26507).

Geologic Hazard Abatement District or GHAD – A district formed under Public Resources Code § 26500 to undertake emergency actions necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard.

GHAD Law – Public Resources Code § 26500 through 26654.

GHAD Manager – An entity employing a licensed Geotechnical Engineer who will oversee the operations of the GHAD, including preparation of GHAD budgets. The GHAD Manager is hired by and reports to the GHAD Board of Directors.

GHAD Manager Decision – An operational action as set forth in this Plan of Control.

GHAD Manager Reconsideration Decision – A written decision prepared by the GHAD Manager in response to a written request from a property owner within the Annexation Area on the evidence presented.

Hayward GHAD – A district formed by the Hayward City Council on March 1, 2016, with the adoption of Resolution No. 16-030.

Plan of Control – Report prepared by a Certified Engineering Geologist which describes in detail, the geologic hazards, their location, and the area affected by them. It also provides a plan for the prevention, mitigation, abatement, or control thereof.

Punch List – A document provided by the GHAD of all of the items, if any, that need to be constructed, repaired, or otherwise modified in order to comply with the city-approved plans and specifications prior to the transfer of Plan of Control responsibilities to the GHAD.

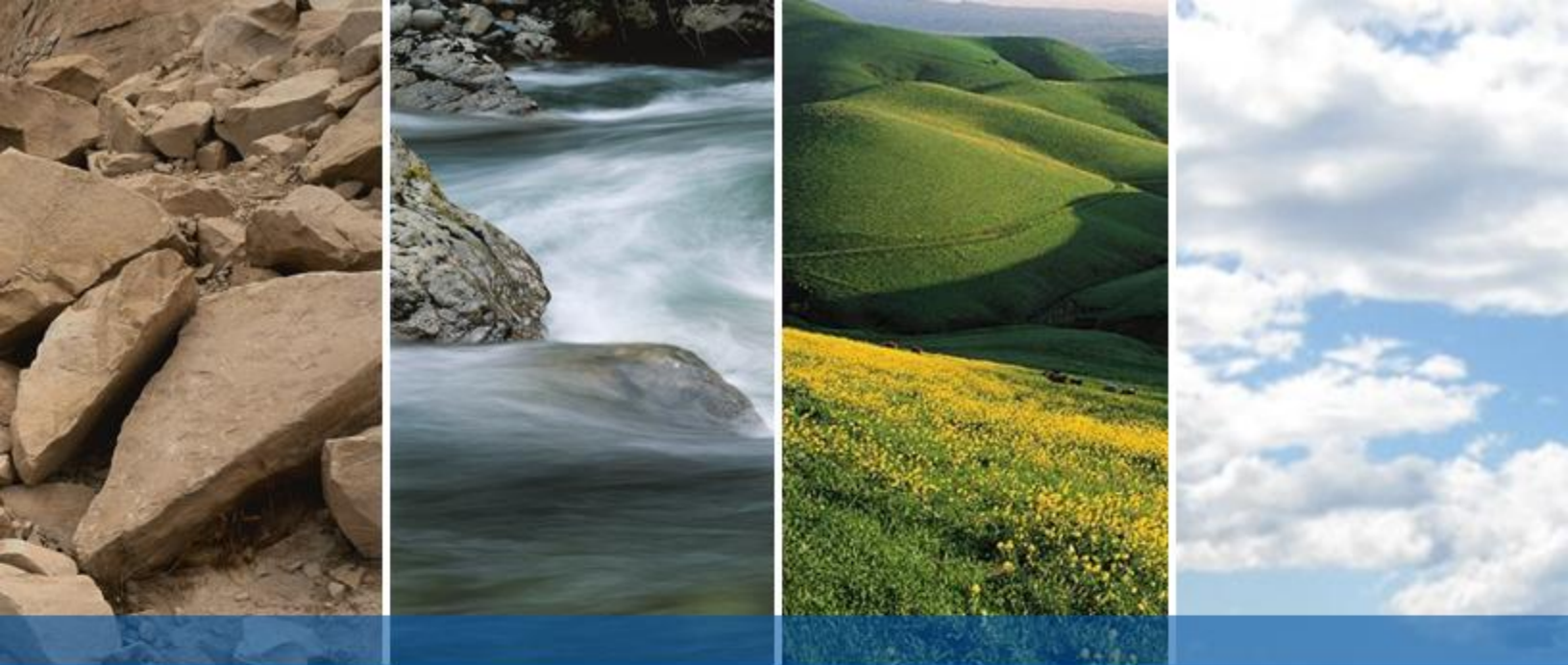
Site Improvement(s) – Buildings, public and private roads, sidewalks, utilities, improved trails, gazebos, cabanas, geologic stabilization features, or similar improvements.

Transfer Application Form – A document provided by the applicant to initiate transfer of Plan of Control responsibilities as outlined in this Plan of Control to the GHAD. A sample transfer application form is provided in Appendix D in this Plan of Control.

Transfer Eligibility Date – The earliest date a parcel within the Annexation Area is eligible for the transfer of Plan of Control responsibilities to the GHAD. For parcels with the Annexation Area, this period starts at 9:00 a.m. on the day exactly 3 years after the first residential building permit is issued by the City of Hayward.

## SELECTED REFERENCES

1. Bellecci & Associates. 2023. Improvement Plans, La Vista Residential, Hayward, California. October 13, 2023. Job No. 18133.
2. Bellecci & Associates. 2023. Grading Plans, La Vista Residential, Hayward, California. October 13, 2023. Job No. 18133.
3. ENGEO. 2021. Corrective Grading Plan, Parcel Group 3, Hayward, California. September 17, 2021. Project No. 15577.000.001.
4. ENGEO. 2021. Geotechnical Exploration, Parcel Group 3, La Vista, Hayward, California. June 1, 2021. Project No. 15577.000.001.
5. ENGEO. 2023. Updated Corrective Grading Plan, Parcel Group 3, Hayward, California, June 23, 2023. Project No. 15577.000.001.
6. Hayward, City of, Resolution No. 16-030 – Ordering Formation of the Hayward Geologic Hazard Abatement District (GHAD) and Appointing the Members of the Hayward City Council to Act as the GHAD Board of Directors, March 1, 2016.



## **APPENDIX A**

**FIGURE 1: Long-Term Ownership and Maintenance Exhibit**

**FIGURE 2: As-Built Geologic Map**

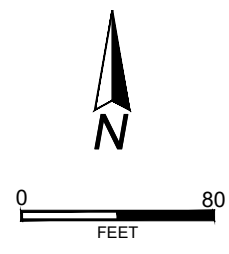
**FIGURE 3: As-Built Remedial Grading Plan**



**EXPLANATION**

ALL LOCATIONS ARE APPROXIMATE

- ANNEXATION AREA BOUNDARY
- PARCEL BOUNDARIES
- PRIVATELY OWNED AND MAINTAINED PARCEL
- SURFACE DRAINAGE DITCHES
- GHAD MAINTAINED RETAINING WALLS
- SUBDRAIN WITH ELEVATION IN FEET (SURVEYED BY DESILVA GATES CONSTRUCTION)
- SOLID SUBDRAIN LINE CONSTRUCTED TO CONVEY WATER UNDER IMPROVEMENTS (EXTENSION OF OFFSITE SUBDRAIN SYSTEM ENCOUNTERED DURING GRADING)



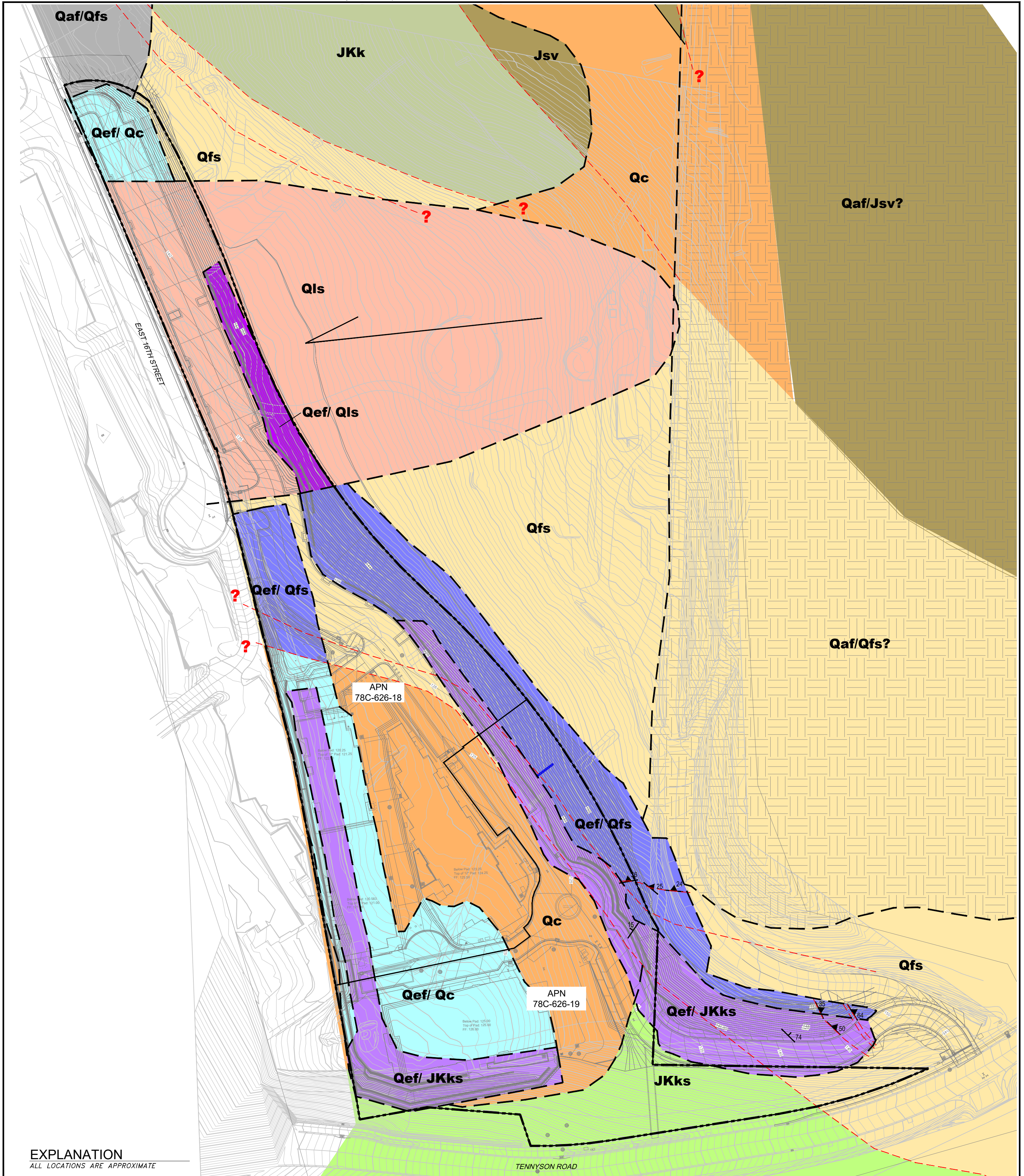
BASE MAP SOURCE: BELLECCI



LONG-TERM OWNERSHIP AND MAINTENANCE  
 PARCEL GROUP 3  
 HAYWARD, CALIFORNIA

PROJECT NO.: 15577.000.001  
 SCALE: AS SHOWN  
 DRAWN BY: CC    CHECKED BY: HR

FIGURE NO.  
**1**

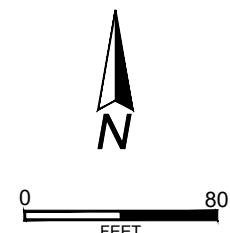


**EXPLANATION**

ALL LOCATIONS ARE APPROXIMATE

- - - - - FAULT MAPPED DURING GRADING AND PREVIOUSLY COMPILED BY ENGeo, 2016 (QUERY WHERE UNKNOWN)
- GEOLOGIC CONTACT
- ANNEXATION AREA BOUNDARY
- PARCEL BOUNDARIES
- Qaf** PREVIOUSLY PLACED HISTORIC ARTIFICIAL FILL, NOT PART OF CURRENT GRADING
- Qc** COLLUVIUM
- Qls** LANDSLIDE DEPOSIT
- Qef/ Qls** ENGINEERED FILL UNDERLAIN BY LANDSLIDE DEPOSITS

- Qef/ Qc** ENGINEERED FILL UNDERLAIN BY OLD COLLUVIAL DEPOSITS. COMPRESSIBLE SURFICIAL DEPOSITS REMOVED DURING GRADING
- Qef/ Qfs** ENGINEERED FILL UNDERLAIN BY SHEAR ZONE DEPOSITS. COMPRESSIBLE SURFICIAL DEPOSITS REMOVED DURING GRADING
- Qef/ JKks** ENGINEERED FILL UNDERLAIN BY SHEARED KNOXVILLE FORMATION. COMPRESSIBLE SURFICIAL DEPOSITS REMOVED DURING GRADING
- Jsv** KERATOPHYRE
- JKk** KNOXVILLE FORMATION BEDROCK
- JKks** SHEARED KNOXVILLE FORMATION SHALE AND CONGLOMERATE
- Qfs** SHEARED DEPOSITS WITHIN WESTERN SHEAR ZONE OF HAYWARD FAULT, KNOXVILLE SHALE AND SANDSTONE, FAULTED SLIVERS OF ALLUVIUM, COLLUVIUM AND LANDSLIDE DEBRIS



BASE MAP SOURCE: BELLECCI



AS-BUILT GEOLOGIC MAP  
PARCEL GROUP 3  
HAYWARD, CALIFORNIA

PROJECT NO.: 15577.000.001  
SCALE: AS SHOWN  
DRAWN BY: CC CHECKED BY: HR

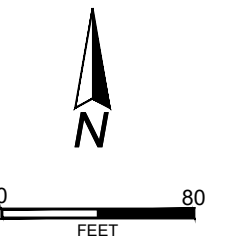
FIGURE NO.  
**2**



**EXPLANATION**

ALL LOCATIONS ARE APPROXIMATE

	ANNEXATION AREA BOUNDARY		SUBDRAIN WITH ELEVATION IN FEET (SURVEYED BY DESILVA GATES CONSTRUCTION)
	PARCEL BOUNDARIES		SOLID SUBDRAIN LINE CONSTRUCTED TO CONVEY WATER UNDER IMPROVEMENTS (EXTENSION OF OFFSITE SUBDRAIN SYSTEM ENCOUNTERED DURING GRADING)
	LOCATION OF KEYWAY (SURVEYED BY DESILVA GATES CONSTRUCTION)		
	LOCATION OF REMOVAL AREA		
	LOCATION OF DIFFERENTIAL FILL LOT TREATMENT		



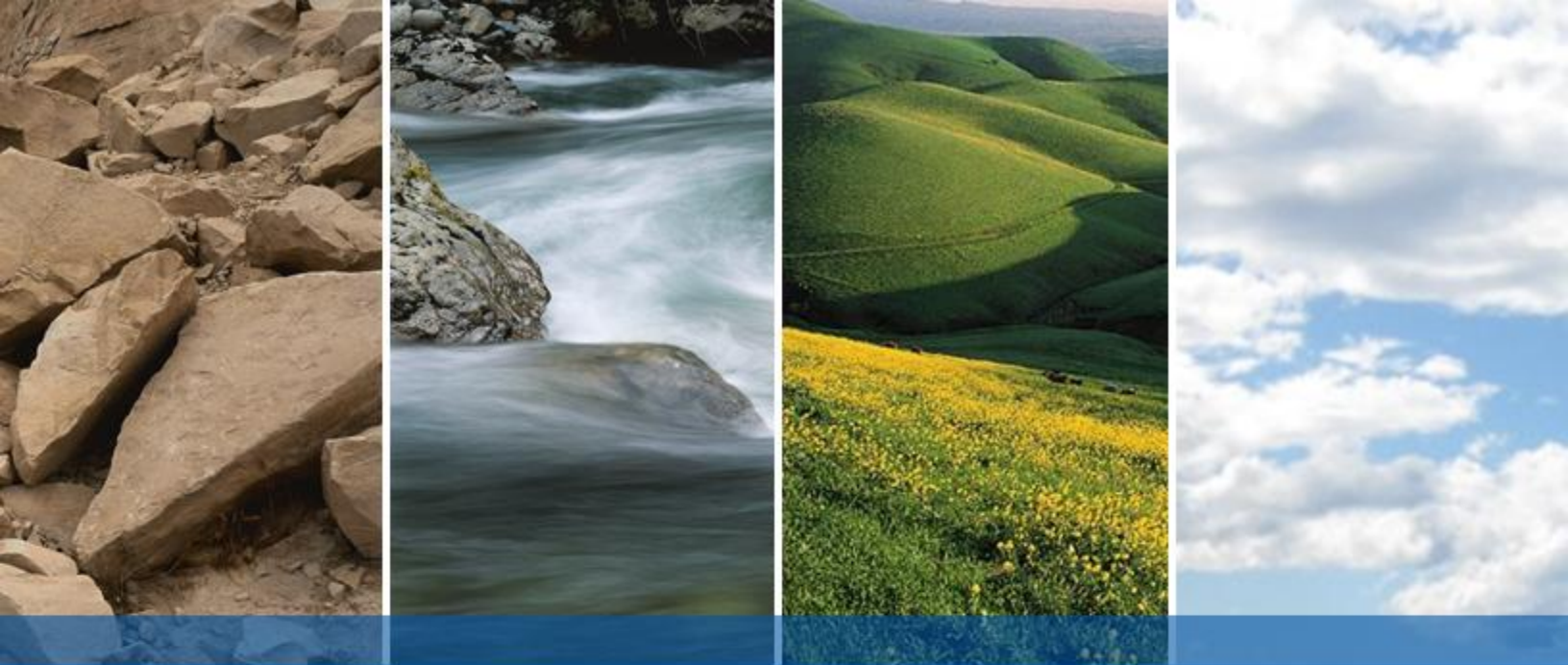
BASE MAP SOURCE: BELLECCI



AS-BUILT REMEDIAL GRADING PLAN  
 PARCEL GROUP 3  
 HAYWARD, CALIFORNIA

PROJECT NO.: 15577.000.001  
 SCALE: AS SHOWN  
 DRAWN BY: CC CHECKED BY: HR

FIGURE NO.  
**3**



## **APPENDIX B**

**EXHIBIT A: Legal Description**

**EXHIBIT B: Plat to Accompany Legal Description**

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT**  
**PARCEL GROUP 3 – PARCEL MAP No. 11247**

All that real property, situate in the City of Hayward, County of Alameda, State of California, described as follows:

**Parcel 2:**

Being a portion of *Parcel 2* of “Parcel Map No. 11247”, recorded April 6, 2022, in Book 354 of Parcel Maps, at Page 79, Alameda County Records, further described as follows:

**Beginning** at the southwest corner of said *Parcel 2 (354 PM 79)*; thence along the westerly boundary line of said *Parcel 2 (354 PM 79)* North 11°33’57” West, 296.43 feet; thence North 15°11’20” West, 314.38 feet to the beginning of a non-tangent curve, concave to the west and having a radius of 44.00 feet, a radial line to the beginning of said curve bears North 85°42’26” East; thence leaving said westerly boundary line north 4.79 feet along said curve, through a central angle of 6°14’00” to the beginning of a compound curve, concave to the west and having a radius of 350.00 feet; thence 64.05 feet along said curve, through a central angle of 10°29’08” to a point on the westerly boundary line of said *Parcel 2 (354 PM 79)*; thence along said boundary line the following nineteen (19) courses:

1. North 15°11’20” West, 16.66 feet;
2. South 57°24’10” West, 2.10 feet;
3. North 23°39’08” West, 498.22 feet to the beginning of a non-tangent curve, concave to the south and having a radius of 109.74 feet, a radial line to the beginning of said curve bears North 20°17’51” West;
4. East and Southeast 113.69 feet along said curve, through a central angle of 59°21’41” to the beginning of a non-tangent curve, concave to the southwest and having a radius of 1666.21 feet, a radial line to the beginning of said curve bears North 59°24’38” East;
5. Southeast 298.63 feet along said curve, through a central angle of 10°16’08” to the beginning of a reverse curve, concave to the northeast and having a radius of 862.55 feet;
6. Southeast 429.43 feet along said curve, through a central angle of 28°31’31” to the beginning of a reverse curve, concave to the southwest and having a radius of 1063.72 feet;
7. Southeast 178.52 feet along said curve, through a central angle of 9°36’57”;
8. South 52°24’45” West, 100.60 feet;
9. South 37°28’08” East, 1.62 feet;
10. South 52°31’52” West, 31.50 feet;
11. South 37°28’08” East, 115.00 feet;
12. North 52°31’52” East, 18.00 feet;
13. South 37°28’08” East, 57.63 feet to the beginning of a curve, concave to the west and having a radius of 26.00 feet;

14. Southeast and South 30.33 feet along said curve, through a central angle of 66°50'40" to the beginning of a reverse curve, concave to the east and having a radius of 46.00 feet;
15. South 29.16 feet and said curve, through a central angle of 36°19'01" to the beginning of a reverse curve, concave to the west and having a radius of 26.50 feet;
16. South 27.51 feet along said curve, through a central angle of 59°28'21";
17. South 37°28'08" East, 13.50 feet;
18. South 52°31'52" West, 25.38 feet;
19. South 77°07'18" West, 230.47 feet to the **Point of Beginning** of this description.

Containing an area of 199,485 square feet (4.58 acres), more or less.

**Parcel 3:**

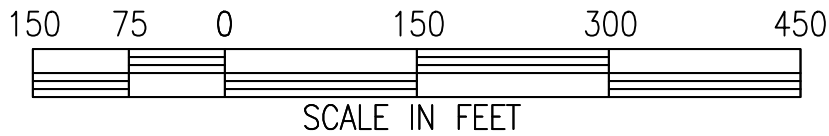
Being all of *Parcel 3* of "Parcel Map No. 11247", recorded April 6, 2022, in Book 354 of Parcel Maps, at Page 79, Alameda County Records, further described as follows:

**Beginning** at the northwest corner of said *Parcel 3 (354 PM 79)*; thence along the boundary line of said *Parcel 3 (354 PM 79)* the following twenty-three (23) courses:

1. North 77°07'18" East, 230.47 feet;
2. North 52°31'52" East, 25.38 feet;
3. North 37°28'08" West, 13.50 feet to the beginning of a non-tangent curve, concave to the west, having a radius of 26.50 feet, a radial line to the beginning of said curve bears North 37°28'08" West;
4. Northeast and North 27.51 feet along said curve, through a central angle of 59°28'21" to the beginning of a reverse curve, concave to the east, having a radius of 46.00 feet;
5. North and Northeast 29.16 feet along said curve, through a central angle of 36°19'01" to the beginning of a reverse curve, concave to the southwest, having a radius of 26.00 feet;
6. North and Northwest 30.33 feet along said curve, through a central angle of 66°50'40";
7. North 37°28'08" West, 57.63 feet;
8. South 52°31'52" West, 18.00 feet;
9. North 37°28'08" West, 115.00 feet;
10. North 52°31'52" East, 31.50 feet;
11. North 37°28'08" West, 1.62 feet;
12. North 52°24'45" East, 100.60 feet to the beginning of a non-tangent curve, concave to the southwest, having a radius of 1063.72 feet, a radial line to the beginning of said curve bears North 50°46'11" East;
13. Southeast 297.32 feet along said curve, through a central angle of 10°00'54" to the beginning of a reverse curve, concave to the northeast, having a radius of 214.30 feet;
14. Southeast 37.72 feet along said curve, through a central angle of 10°05'02";
15. South 01°08'10" West, 172.13 feet;
16. North 89°39'02" East, 348.86 feet to a point on the northerly right-of-way line of Tennyson Road, also being the beginning of a non-tangent curve, concave to the north, having a radius of 720.00 feet, a radial line to the beginning of said curve bears North 25°54'27" West;
17. West 198.93 feet along said curve, through a central angle of 15°49'48";

18. South  $79^{\circ}55'21''$  West, 216.36 feet to the beginning of a curve, concave to the north, having a radius of 570.00 feet;
19. West 99.75 feet along said curve, through a central angle of  $10^{\circ}01'36''$ ;
20. North  $19^{\circ}40'27''$  West, 41.77 feet;
21. North  $86^{\circ}39'15''$  West; 118.04 feet;
22. South  $78^{\circ}09'10''$  West, 86.04 feet;
23. Leaving said northerly right-of-way line and continuing along said boundary line of *Parcel 3 (354 PM 79)* North  $11^{\circ}33'57''$  West, 173.12 feet to the **Point of Beginning** of this description.

Containing an area of 140,846 square feet (3.23 acres), more or less.



**LEGEND**

- BOUNDARY LINE
- P.O.B. POINT OF BEGINNING

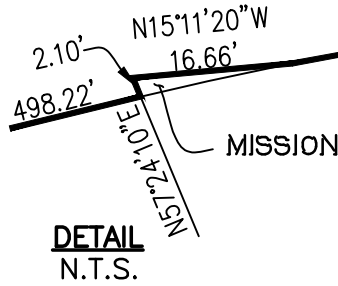
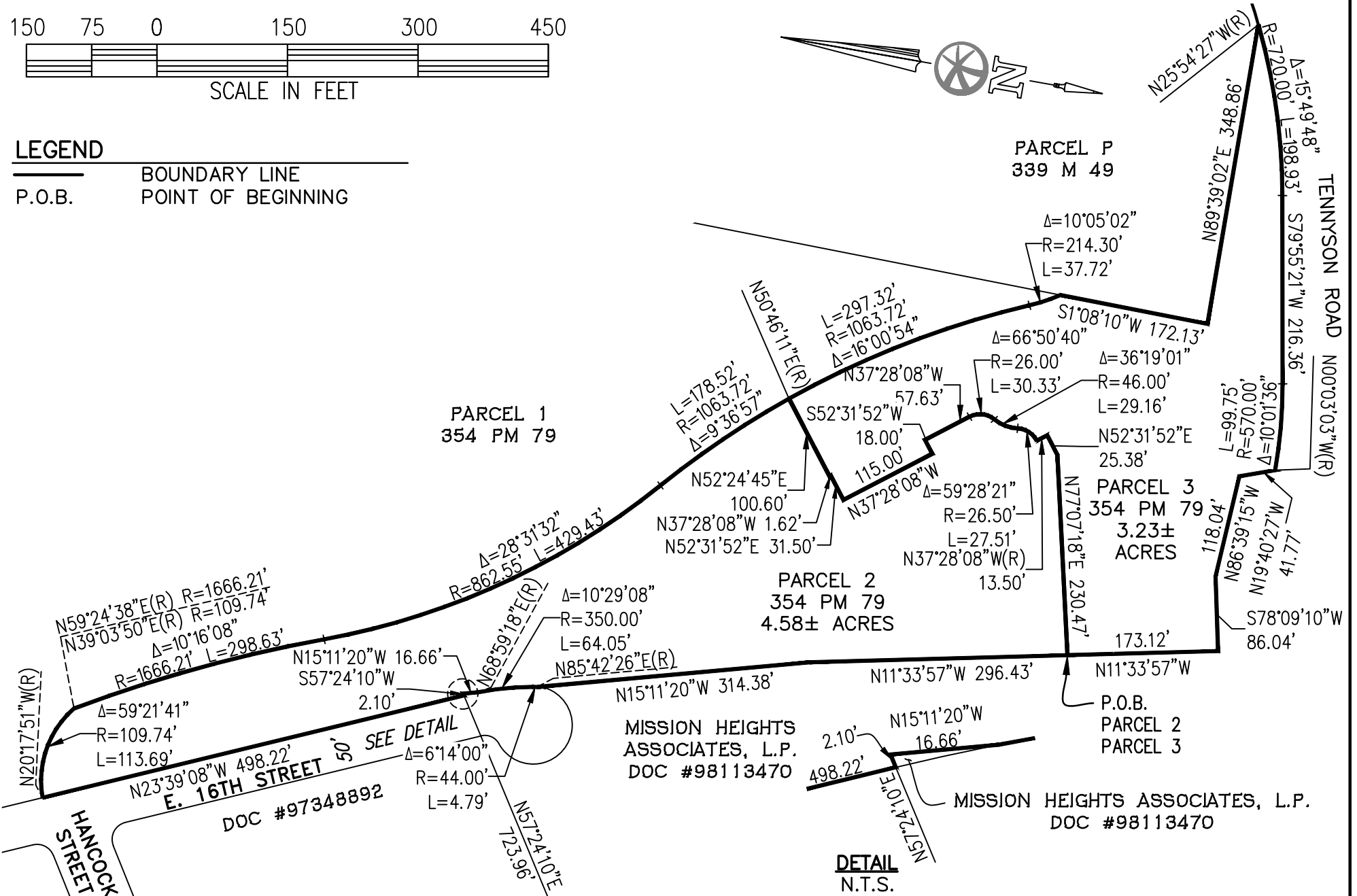


EXHIBIT B	
DATE: 03/21/2025	SCALE: 1" = 150'
FILE NO.: 18133	SHEET 1 OF 1

**HAYWARD GEOLOGIC HAZARD  
ABATEMENT DISTRICT –  
PARCEL GROUP 3 P.M. No. 11247**



## **APPENDIX C**

**DECLARATION OF DISCLOSURES, RIGHT OF ENTRY  
AND RESTRICTIVE COVENANTS REGARDING  
HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT**

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:  
Hayward Geologic Hazard Abatement District  
2633 Camino Ramon, Suite 250  
San Ramon, CA 94583  
Attn: Haley Ralston

**DECLARATION OF DISCLOSURES, RIGHT OF ENTRY AND RESTRICTIVE COVENANTS  
REGARDING HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT**

This Declaration of Disclosures, Right of Entry and Restrictive Covenants Regarding Hayward Geologic Hazard Abatement District (the "Declaration") is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ (the "Effective Date"), by, La Vista Residential L.P., a California limited liability company and Strategic Growth Partners, Inc. ("Declarants").

**RECITALS**

A. Declarants are the owner of that certain real property located in the City of Hayward, County of Alameda, State of California, filed on \_\_, 20\_\_ in Book \_ of Parcel Maps, at pages \_\_, all in the Official Records of Alameda County, California (the "Property").

B. The City of Hayward approved 176 multi-family residential units and approximately 46,000 square feet of educational facilities on the Property. A condition of approval was that the Property be annexed into the Hayward Geologic Hazard Abatement District ("Hayward GHAD").

C. Under the authority of California Public Resources Code section 26500, et seq., the Hayward City Council on March 1, 2016, adopted Resolution No. 16-030 forming and establishing the Hayward GHAD to prevent, mitigate, abate or control potential geologic hazards within the boundaries of the GHAD. On \_\_\_\_, \_\_\_\_, the Hayward GHAD adopted Resolution No. \_\_-\_\_, approving annexation of the Property into the Hayward GHAD.

NOW, THEREFORE, Declarants, as the owners of the Property, for itself, its successors and assigns does hereby declare as follows:

1. Notification and Disclosure of Hayward GHAD: The Declarants hereby give notice and disclose that the Property is a part of the Hayward GHAD. The Board of Directors of the Hayward GHAD are the members of the Hayward City Council. Pursuant to the Plan of Control for Annexation of the Property to Hayward GHAD as it may be amended from time to time (the "Plan of Control"), the Declarants and the Hayward GHAD are afforded certain responsibilities and rights relating to the prevention, mitigation, abatement, and control of potential geologic hazards on the Property. The powers of the Hayward GHAD include the power to assess lot owners within the Property for the purposes set out in the Plan of Control. An assessment was authorized by the Hayward GHAD to be imposed on the Property pursuant to adopted Resolution \_\_-\_\_.
2. Right of Entry: The Declarants by executing and recording this Declaration hereby contractually affords Hayward GHAD, its officials, employees, contractors, and agents an irrevocable right of entry with continuing and perpetual access to and across the Property for the purposes and responsibilities set out in the Plan of Control ("Access Rights"). Should the Hayward GHAD need to access private residential lots to fulfill its duties under the Plan of Control, the Hayward GHAD shall provide the affected landowner and/or resident with 72

hours advanced notice unless, in the reasonable judgment of the GHAD Manager, an emergency situation exists which makes immediate access necessary to protect the public health and safety, in which case no advanced notice is required, but the Hayward GHAD shall inform the landowner and/or resident as soon as reasonably possible. The Declarants hereby give notice that the GHAD will acquire Access Rights immediately upon the execution of this Declaration. The GHAD, in its sole discretion, may elect not to exercise Access Rights until it accepts its maintenance responsibilities consistent with the Plan of Control.

3. GHAD Easement: The Declarants hereby grant the Hayward GHAD a perpetual easement for the purposes and responsibilities set out in the Plan of Control and for maintaining certain site improvements as depicted in Exhibit A, and legally described in Exhibit B attached hereto, (the "GHAD Easement"). Such activities include, but are not limited to: (a) the inspection, maintenance, monitoring and replacement of site improvements including, drainage ditches, storm drains, outfalls and pipelines; (b) the monitoring, maintenance, and repair of slopes, including repaired or partially repaired landslides; and (c) the management of erosion and geologic hazards within the Property as shown in the Plan of Control. The GHAD Easement shall become effective upon acceptance by the Hayward GHAD of its responsibilities and rights, the process by which is articulated in the Plan of Control. The Hayward GHAD has no maintenance responsibilities whatsoever to the Declarants or Property until and unless the Hayward GHAD accepts such responsibilities consistent with the Plan of Control.
4. Covenants Running with the Land: The Property shall be held, conveyed, hypothecated, encumbered, sold, leased, used, improved, and maintained subject to the limitations, covenants, conditions, restrictions, easements, rights of entry and equitable servitude set forth in this Declaration, all of which are in furtherance of Declarants' plan for the uniform improvement and operation of the Property. All of the limitations, covenants, conditions, restrictions, easements, rights of entry and equitable servitudes set out in this Declaration shall both benefit and burden the Property and shall run with and be binding upon and inure to the benefit of the Property and each parcel therein, and shall be binding upon and inure to the benefit of each owner, and every person having or acquiring any right, title or interest in and to all or any portion of the Property and their successors and assigns. Upon Declarants' conveyance of fee title to the Property, or any portion thereof, Declarants shall be released from any further liability or obligation hereunder related to the portion of the Property so conveyed, and the grantee of such conveyance shall be deemed to be the "Declarants," with all rights and obligations related thereto, with respect to that portion of the Property conveyed.
5. Hold Harmless: Declarants, or its successors and assigns, shall hold harmless, protect and indemnify Hayward GHAD and its directors, officers, employees, agents, contractors, and representatives and the heirs, personal representatives, successors and assigns of each of them (collectively, "Hayward GHAD Indemnified Parties") from and against any and all liabilities, penalties, costs, losses, damages, expenses (including, without limitation, reasonable attorneys' fees and experts' fees), causes of action, claims, demands, orders, liens or judgments (each a "Claim" and, collectively, "Claims"): (1) for injury to or the death of any person, or physical damage to any property, related to or occurring on or about the GHAD Easement to the extent arising from the negligence or intentional misconduct of Declarants, its employees, agents or contractors; or (2) related the existence of the GHAD Easement, exclusive of any Claims brought by Declarants.
6. Enforcement: The Hayward GHAD shall have the right but not the obligation to enforce the provisions of this Declaration.

7. Modification or Termination: This Declaration shall not be modified, amended, or terminated without the written consent of the Hayward GHAD.

Executed as of the Effective Date.

Declarants:

La Vista Hayward, L.P.

By: \_\_\_\_\_

Its: \_\_\_\_\_

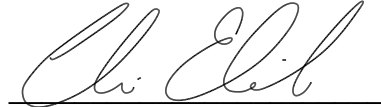
Strategic Growth Partners, Inc.

By: \_\_\_\_\_

Its: \_\_\_\_\_

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed to the Hayward Geologic Hazard Abatement District by the foregoing document titled "Declaration of Disclosures, Right of Entry and Restrictive Covenants", which is dated \_\_\_\_\_, 20\_\_ and executed by \_\_\_\_\_, is hereby accepted by the undersigned pursuant to authority conferred by Resolution No. \_\_-\_\_, dated \_\_\_\_\_, 20\_\_. The City of Hayward, as grantee, consents to recordation of said "Declaration of Disclosures, Right of Entry and Restrictive Covenants".



Uri Eliahu  
Hayward GHAD Manager

Date: October 2, 2025

*Attest:*

\_\_\_\_\_  
Patricia E. Curtin  
Hayward GHAD Clerk

*Approved as to form:*

\_\_\_\_\_  
Amara Morrison  
Hayward GHAD Attorney



## **APPENDIX D**

### **SAMPLE TRANSFER APPLICATION FORM**



